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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,114	07/09/2003	Jian-gang Weng	200208154-1	2605

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FORT COLLINS, CO 80527-2400

EXAMINER

KEBEDE, BROOK

ART UNIT PAPER NUMBER

2823

DATE MAILED: 02/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*AK*

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/617,114

Applicant(s)

WENG ET AL.

Examiner

Brook Kebede

Art Unit

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**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 31 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: (see the attachment in Paragraph 1) . (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☒ Applicant's reply has overcome the following rejection(s): 21-28 and 34.  
6. ☒ Newly proposed or amended claim(s) 1-28,33 and 34 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: 1-28.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 29-32.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

*George Fourson*  
George Fourson  
Primary Examiner

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Continuation Sheet (PTO-303)

**Advisory Action**

1. On cursory consideration, the request for reconsideration and the proposed amendment, which has not been entered, does not clearly appear to overcome the rejections of claims 29-32.

The Examiner has given full consideration of the amendment filed on January 31, 2005 after Final Office Action of December 1, 2004. However, the proposed added limitation(s) in claim 29 would require further consideration and/or search. Furthermore, the amendment presents additional claims, i.e., claims 35 and 36, without canceling finally rejected corresponding number of claims as set forth in 37 CFR § 1.116 and § 41.33(a). Therefore, the amendment does not place the whole application in condition for allowance.

In addition, there is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.

2. Claims 1-28, 33 and 34 would be allowable if applicants submitted a timely filed amendment by canceling the non-allowable claims.

***Response to Arguments***

3. Applicants' arguments filed on January 31, 2005 have been fully considered but they are not persuasive.

With respect to claims 21-28 and 34, applicants' argument is considered moot in view of the indicated allowability of claims 21-28 and 34 as set forth in Paragraph 2 above.

With respect to claims 35 and 36 applicants' argument is moot because the argument is based on the proposed new claim that was not part of the rejected claim and which has not been entered. Further in response to applicants' argument that "claim 35 is claim 25 rewritten in

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independent form and claim 36 is identical to claim 26...,” it is respectfully submitted that claims 26 and 36 are not identical. If the claims were identical, claim 36 would have violated the rule as set forth under 37 CFR § 1.75(b).

With respect to claims 29-32 applicants’ argument is not persuasive because claims 29 and 30 as amended would have been rejected by the combination of Hirari and Kian et al., as applied for claims 21-24, 27, 28, 31, 32 and 34 in the Office action of December 1, 2004 that would have resulted new ground of rejection for those claims. Furthermore, the allowable subject matter (i.e., *patterning the semiconductor solution-processed thin film active region and the dielectric solution-processed thin film isolation via laser ablation*) that <sup>was</sup> incorporated into claim 21 by the way of amendment of January 31, 2005 is not contained in claims 29-32.

#### *Correspondence*

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brook Kebede whose telephone number is (571) 272-1862. The examiner can normally be reached on 8-5 Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Olik Chaudhuri can be reached on (571) 272-1855. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BK  
February 7, 2005